

**MINUTES OF THE
UTAH WATERWAYS TASK FORCE**

Wednesday, August 25, 2010 – 9:00 a.m. – Snow College Richfield

Members Present:

Sen. Dennis E. Stowell, Senate Chair
Rep. Melvin R. Brown, House Chair
Sen. Curtis S. Bramble
Sen. Margaret Dayton
Sen. Peter C. Knudson
Sen. Benjamin M. McAdams
Sen. Karen W. Morgan
Rep. Jack R. Draxler
Rep. Lynn N. Hemingway
Rep. Kay L. McIff

Members Absent:

Rep. James R. Gowans
Rep. Bill Wright

Staff Present:

Mr. Christopher R. Parker Associate General Counsel
Ms. Joy L. Miller, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Brown called meeting to order at 9:10 a.m. Rep. Gowans and Rep. Wright were excused from the meeting

MOTION: Sen. Dayton moved to approve the minutes of the June 24, 2010 meeting. The motion passed unanimously.

2. Review of 2010 General Session H.B. 141

Mr. Parker reviewed the provisions of H.B. 141, which was passed during the 2010 legislative session. The general rule established by the bill is that touching a private bed that lies beneath a public water is prohibited unless permission is granted. He discussed the provisions to take effect next year, which are the establishment of a prescriptive easement for the historical recreational use of a public water and the ability to file a quiet title action to determine whether or not such a prescriptive easement exists. He responded to questions from the Task Force.

3. Funding Walk-In Access

Mr. Jim Karpowicz, Division of Wildlife Resources (DWR), gave a presentation to the Task Force on funding the Walk-In Access (WIA) program. He discussed the pros and cons of the options available to increase public access, which are acquisition, easement, and lease options. Funding options for anglers' access include General Fund appropriations, a general fishing license increase of \$1, and a user fee for WIA. Mr. Karpowicz stated there are 300 miles of streams on their current priority list for angler access. He discussed the projected costs of expanding the current program.

The Task Force discussed historic public access, current leases between DWR and landowners providing WIA, and quiet title issues.

Mr. Sterling Brown, Utah Farm Bureau, asked about funding and liability. He questioned if landowners are liable for accidents or damage the public may incur through the WIA program.

Mr. Karpowitz responded that DWR's attorney general representative has indicated that landowners participating in the program are protected from liability. He explained \$500,000 was used for access to expand the areas. Some of that money was used for SITLA access payments. He said DWR is spending more than \$500,000 on sportsmen's access. Mr. Karpowitz noted that \$300,000 was appropriated this year from existing monies. He stated that if the program is expanded, new revenue is needed.

4. Cooperative Fish Management Units

Rep. Ferry indicated that he supports the WIA program. He noted that the motivation for the program is money. He stressed the need to protect the private property rights of the landowner while satisfying the public's need for recreation. He stated that landowners want to maintain control, monitor activity, and document those who access their property. He discussed the possibility of establishing Cooperative Fish Management Units (CFMU), which would identify stream access areas. Through an Internet-based process, landowners could maintain control by going online to see who will be accessing their property on a particular date. He stated this program would provide more for the money spent and satisfy the needs of landowners and recreationists.

Rep. Ferry responded to questions from the Task Force.

The Task Force discussed whether the WIA and CFMU programs could be combined and the possibility of implementing a pilot project.

Mr. Karpowitz explained that what Rep. Ferry proposed is the same as a WIA program. He said the key to being successful is the negotiation to make it acceptable to the landowner and the user. He stated that the possibility of electronic check in should be explored.

Mr. Brown indicated that the Utah Farm Bureau would lend its support to a program that minimizes the policing effort on the landowners.

5. Public Comment

No members of the public wished to comment.

6. Task Force Discussion of Future Meetings

Ms. Robin Thomas, DWR, outlined possible future site visits and rivers of interest.

Mr. Walt Donaldson, DWR, discussed access on the Uinta River and the different jurisdictions along the river.

It was proposed that the next meeting be a site visit to the Uinta Basin and the last meeting would be in Salt Lake City.

MOTION: Sen. Dayton moved to request that Mr. Karpowitz provide written information to the Task Force on the proposed \$1 increase in fishing licenses and the proposed \$10 user fee to generate money for the WIA program. Rep. Ferry was also requested to provide details of his proposal as well as examples by stream as to where a CFMU could be implemented as a pilot program. These issues would be discussed at the next meeting of the Task Force. The motion passed unanimously.

Chair Brown indicated he and Sen. Stowell will work on scheduling the next two meetings dates.

7. Task Force Site Visits

Mr. Donaldson explained that the Task Force would be visiting two sites along the Sevier River that have rafting as well as fishing access issues. He noted the Task Force will also be shown areas of Utah Department of Transportation rights-of way in the narrow canyon.

MOTION: Sen. Bramble moved to recess to the site visit. The motion passed unanimously.

Mr. Mike Ottenbacher, DWR, addressed the Task Force at the site visits and distributed a map depicting the various landowners along that particular portion of the river. He stated that the interaction of anglers and rafters along the river needs to be addressed.

Chair Brown adjourned the meeting at 1:20 p.m.